

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF FOR THE APPELLANTS

Ex parte MAEGAWA, et al.


NETWORK SYSTEM, DATA DISTRIBUTION METHOD,
AND RECORDING MEDIUM ON WHICH DISTRIBUTION USE DATA IS RECORDED
AND WHICH CAN BE READ BY COMPUTER

Serial No.: 09/148,832
Filed: September 4, 1998
Appeal No.:
Group Art Unit: 3621
Examiner: John W. Hayes

Submitted herewith is a Reply Brief. In the event that there may be any fees due with respect to the filing of this paper, please charge Deposit Account No. 01-2300, referencing Attorney Docket No. 103203-08003.

Dated: March 17, 2005

Respectfully submitted,


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March 17, 2005
Date

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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Hirotoishi MAEGAWA, et al.

Group Art Unit: 3621

Serial No.: 09/148,832

Examiner: John W. Hayes

Filed: September 4, 1998

Docket No.: 103203-08003

For: NETWORK SYSTEM, DATA DISTRIBUTION METHOD, AND
RECORDING MEDIUM ON WHICH DISTRIBUTION USE DATA IS
RECORDED AND WHICH CAN BE READ BY COMPUTER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

March 17, 2004

APPLICANTS' REPLY BRIEF

I. INTRODUCTION

The Appellants have received the Examiner's Answer dated December 17, 2004 in the above-referenced appeal. Pursuant to 37 C.F.R. § 41.41 and MPEP § 1208.03, Appellants respectfully submit this Reply Brief.

II. SUMMARY

This paper is submitted (in triplicate) as part of an appeal from the rejections set forth in the final Office Action dated December 17, 2003 in the above-referenced application. The issue on appeal is whether claims 2-52 would have been anticipated under 35 U.S.C. § 102(e) in view of the Ginter et al. patent (U.S. Patent No. 5,892,900).

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III. ISSUES IN REPLY BRIEF

In the Examiner's Answer dated December 17, 2004, the Examiner continued to take the position that the subject matter of independent claims 52, 18 and 35 is anticipated by the Ginter et al. patent. Applicants maintain that the cited reference does not disclose or suggest the present invention as claimed, namely, a network system for suitably distributing any content as transactable, comprising one or more data server means and utilization means, and transaction management means comprised on the network system, wherein the data server means transmits to the data utilization means a data package (information package) which includes data relating to a transaction which is composed of content materials and/or references to content materials and the attribute data which define an attribute of the data relating to the transaction; the data server means produces the data package in which the data relating to the transaction and the attribute has a format defining a boundary in accordance with an attribute for the transaction and the scope of data to be used for the transaction, and supplies the produced data package to the utilization means through the network; the data utilization means receives the supplied data package, and utilizes the supplied data package in accordance with the boundary of the received data package; and the transaction management means perform processing relating to the transaction on the basis of the boundary of the package every time the data package is received the data utilization means. Nor does the cited reference disclose a distribution method and computer readable medium of the same.

The Examiner noted that the Ginter et al. patent discloses "a network system (Col. 3, lines 20-25) for suitably distributing any content (Col. 8, lines 23-36; Col. 53, lines 55-60) as a transactable product comprising one or more data server means, data utilization means, and

transaction management means comprised on the network (Figure 2 and 79-84), ... in which the data relating to the transaction, and the attribute data has a format defining a boundary in accordance with an attribute for the transaction and the scope of data to be used for the transaction (Col. 10, lines 8-31; Col. 46, lines 5-27 and 47-67; Col. 54, line 64-Col. 55 line 11; Col. 56, lines 6-29; Col. 56 line 65-Col. 57 line 24; Col. 57, line 65-Col. 58 line 12; Col. 137, lines 50-65)". The Examiner proceeded to note that "Ginter further disclose that the 'rules and controls' may be distributed with the content or separate from the content, and wherein the 'rules and controls' are used to set attributes having a format defining boundaries related to the transaction such as who has permission to distribute the rights to use the content (Col. 56, lines 6-29), how many users are allowed to use the content, what a user can and can't do with the content and how much it costs to use the content (Col. 56, lines 20-25)". The Examiner further noted that the Ginter et al. patent discloses "that Ginter's rules and controls are specified using specific formats and structures (Figures 16-21, 22, 26, 34, 73, 75A-F, 76A-B; Col. 155 line 38 – Col. 157 line 12)".

However, it is submitted that the "rules and controls" object (PERC) of the Ginter et al. patent appears to be neither equivalent nor analogous to the information package, as claimed in the present invention. Rather, the PERC of the Ginter et al. patent appears to be a static record created after a sales transaction for digital content has been completed and stored permanently within a central authentication database and/or with the user's copy of the digital content for enabling access to the digital content. In contrast, the information package of the present invention varies in assembly based on transaction types. For example, in the context of a movie distribution service system, four different information packages may generated, one for each

transaction of the service, namely, preparation, authentication, distribution and utilization of the digital content. (App., p. 48, ls. 5-8)

Nor does the Ginter et al. patent disclose a predetermined information structure or format defining a boundary, as recited in the present invention (e.g., App., Figs. 12- 17 and 19-22). Rather, the cited reference appears to merely disclose generally that a “rules and control” object may contain certain access control type data and does not provide a predetermined structure or format for embedding such data.

IV. CONCLUSION

For the forgoing reasons, it is contended that the Ginter et al. patent fails to disclose or suggest each and every element of the present invention, and further that the differences between the cited reference and the present invention are more than sufficient that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

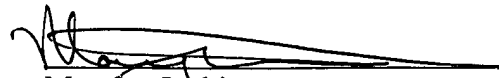
Therefore, it is respectfully submitted that the final rejection of the above-referenced application is in error and it is requested that the Board of Patent Appeals and Interferences reverse the Examiner’s decision to indicate the allowability of the claims.

In the event that this Reply Brief is not considered timely filed, Appellants respectfully petition for an appropriate extension of time. Any fees for such extension, together with any additional fees which may be due with respect to this Reply Brief, may be charged to counsel’s Deposit Account No. 01-2300, referencing Attorney Docket No. 103203-08003.

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Dated: March 17, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marylee Jenkins', written over a horizontal line.

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